

SAO

WILLIAM H. PRUITT, ESQ.

Nevada Bar No. 6783

JOSEPH MESERVY, ESQ.

Nevada Bar No. 14088

BARRON & PRUITT, LLP

3890 West Ann Road

North Las Vegas, Nevada 89031

Telephone: (702) 870-3940

Facsimile: (702) 870-3950

Email: bpruitt@lvnvlaw.com

Email: jmeservy@lvnvlaw.com

Attorneys for Defendants

Ayman Enterprises, INC. and

Clarence Eugene Mitchell

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EDGAR AVITIA DE LA VEGA, an
individual,

Plaintiff,

vs.

AYMAN ENTERPRISES, INC., a foreign
corporation; CLARENCE EUGENE
MITCHELL, II, an individual; DOES I through
X; and ROE CORPORATIONS I through X,
inclusive,

Defendants.

Case No.: 2:23-cv-00865-RFB-MDC

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES
(Third Request)**

Defendants AYMAN ENTERPRISES, INC., and CLARENCE EUGENE MITCHELL, II,
and Plaintiff EDGAR AVITIA DE LA VEGA, through their counsel, submit the foregoing stipulation
and order to extend discovery deadlines (60 days) pursuant to LR 26-3 as follows:

1. Summary of Discovery Completed

To date, the following discovery has been completed in this case

Item	Date Completed
Plaintiff's Initial Rule 26(a) Disclosures	August 1, 2023
Defendants' Initial Rule 26(a) Disclosures	August 4, 2023
Defendants' First Supplemental Rule 26(a)	November 8, 2023

BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
FACSIMILE (702) 870-3950

Item	Date Completed
Disclosures	
Plaintiff's First Set of Requests for Admissions, Requests for Production and Interrogatories to Defendant Ayman Enterprises	August 28, 2023
Plaintiff's First Set of Requests for Production and Interrogatories to Defendant Clarence Eugene Mitchell, II	August 28, 2023
Defendant Clarence Eugene Mitchell Answered Plaintiff's Requests for Production and Interrogatories	November 8, 2023
Defendant Ayman Enterprises Answered Plaintiff's Requests for Admissions, Requests for Production and Interrogatories	November 8, 2023
Defendants First Set of Requests for Admissions, Requests for Production, and Interrogatories to Plaintiff	November 13, 2023
Plaintiff's Responds to Defendants' First Set of Requests for Admissions, Requests for Production, and Interrogatories to Plaintiff	December 13, 2023
Defendants Second Set of Requests for Production	December 26, 2023
Defendant's Second Set of Requests for Production of Documents to Plaintiff	December 26, 2023
Deposition of Plaintiff Edgar Avitia De La Vega	January 19, 2024
Plaintiff's Responses to Defendant's Second Set of Request for Production	January 25, 2024
Deposition of George Gluck, M.D.	February 7, 2024
Deposition of George Tsao, DO	February 14, 2024

2. Discovery Remaining

The following discovery remains to be completed:

- a) Continued Deposition of George Tsao, DO, scheduled for April 3, 2024;
- b) Additional Written Discovery;
- c) Deposition of Person(s) Most Knowledgeable for Defendant;
- d) Deposition(s) of percipient witnesses;
- e) Deposition(s) of treating physicians;
- f) Disclosure of initial and rebuttal expert witnesses; and

g) Deposition(s) of all expert witnesses

3. Reason Why Discovery Was Not Completed

Pursuant to LR 26-3, a “stipulation to extend a discovery plan, scheduling order, or other order must, in addition to satisfying the requirements of LR IA 6-1, be supported by a showing of good cause for the extension.” LR 26-3. “‘Good cause’ is a non-rigorous standard that has been construed broadly across procedural and statutory contexts.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010). Typically, good cause is met when there is an absence of bad faith or prejudice to the non-moving party. *Id.*, at 1260.

Here, the parties seek to extend the rebuttal expert designation, discovery cut-off, dispositive motion deadline, and due date for the Joint Pre-Trial Order. All these deadlines are more than 21 days out. The parties also seek to extend the expert designation deadline which is a little less than 21 days out.

In this matter, the parties believe that good cause and excusable neglect to extend the discovery deadlines exists. Defendants have been diligently pursuing radiology images from Plaintiff’s treaters, which experts require to opine on Plaintiff’s treatment. And, while George Tsao, DO’s deposition was being taken on February 14, 2024, there were technical difficulties that led to a significant shortening of the deposition contrary to the original plans of the parties. The parties have since rescheduled a continuance of the deposition of George Tsao, DO, for April 3, 2024, to finish the deposition. But, the Expert Disclosure deadline is set for March 16, 2024, and at the moment, the parties still do not have Dr. Tsao’s February 14, 2024 deposition transcript, and will not be able to finish Dr. Tsao’s deposition until after the Expert Disclosure deadline. Accordingly, the parties are now seeking an extension to allow experts access to that deposition transcript before the disclosure deadline.

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Furthermore, experts would like sufficient time to review radiology images, and the deposition transcripts of Plaintiff, George Gluck, M.D., and George Tsao, DO. Additional time is needed to obtain and review such information, which will assist the experts in preparing their opinions. Based on these reasons, the parties submit that a brief extension is needed and that the requested extension is absent any bad faith. Lastly, the parties submit that since this extension is stipulated, there is no prejudice to either party.

4. Proposed Schedule for Completing Discovery

Accordingly, the parties respectfully request that this Court enter an order setting the following discovery plan and scheduling order dates:

Event	Former Deadline	New Deadline
Amend pleadings or add parties	CLOSED	CLOSED
Expert Designations	March 16, 2024	May 15, 2024
Rebuttal Expert Designations	April 15, 2024	June 14, 2024
Discovery Cut-off	May 15, 2024	July 14, 2024
Dispositive Motions	June 15, 2024	August 14, 2024
Joint Pre-Trial Order	July 15, 2024	September 13, 2024

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Counsel add that the requested extension of discovery deadlines is interposed not for purposes of delay, but for the purposes set forth above.

DATED: February 27, 2024

DATED: February 27, 2024

MAIER GUTIERREZ & ASSOCIATES

PT LAW

By: /s/ Joseph A. Gutierrez
JOSEPH A. GUTIERREZ, ESQ.
Nevada Bar No. 9046
JASON R MAIER, ESQ.
Nevada Bar No. 8557
STEPHEN G. CLOUGH, ESQ.
Nevada Bar No. 10549
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Plaintiff

By: /s/ Pengxiang Tian
CALVIN P. TIAN, ESQ.
Nevada Bar No. 15662
2820 South Jones Boulevard, Unit 1
Las Vegas, Nevada 89146
Attorneys for Plaintiff

DATED: February 27, 2024

BARRON & PRUITT, LLP

By: /s/ Joseph Meservy
WILLIAM H. PRUITT, ESQ.
Nevada Bar No. 6783
JOSEPH MESERVY, ESQ.
Nevada Bar No. 14088
3890 West Ann Road
North Las Vegas, Nevada 89031
Attorneys for Defendant

IT IS SO ORDERED. The parties submitted this stipulation with the wrong case number (2:23-cv-00865-RFB-VCF). The Court cautions the parties to include the correct case on all future filings.

UNITED STATES MAGISTRATE JUDGE

DATED: 2-28-24

BARRON & PRUITT, LLP
ATTORNEYS AT LAW
3890 WEST ANN ROAD
NORTH LAS VEGAS, NEVADA 89031
TELEPHONE (702) 870-3940
FACSIMILE (702) 870-3950